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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/822,970

04/13/2004

George A. Georgiou

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EXAMINER

HALIYUR, VENKATESH N

ART UNIT

PAPER NUMBER

2619

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/822,970	<b>Applicant(s)</b> GEORGIU, GEORGE A.	
	<b>Examiner</b> Venkatesh Haliyur	<b>Art Unit</b> 2619	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. Claims 1-21 is pending in the application.

### ***Claim Objections***

2. Claims 1-21 are objected to because of the following informalities:

The use of word "signalling" must be corrected to read as "signaling" in these claims where applicable.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention in claims 15-21 is directed to non-statutory subject matter.

In claim 15, lines 1-2, recite the limitation for "A comprehensive signaling node software product, comprising: ...." does not comply with the 101 interim guidelines set forth therein (please refer to pages 52-53 of the 101 interim guidelines). It is well established that a computer program product or a software product, per se is not a physical "thing" and does not define any structural and

functional interrelationship between the computer program code and the rest of the computer, which permits the computer program's functionality to be realized.

In order for a computer program or software instructions to be statutory it must be embodied (encoded) in a computer-readable medium capable of being executed by a computer.

Thus the claimed invention in claims 15-21 is for a software product or a program and is non-statutory.

Appropriate corrections are required for these claims without introducing any new matter to the disclosure.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelaez et al [US Pat: 7,003,280] in view of Bondy et al. [US Pat: 7,006,508].

Regarding claims 1-2,8-9, Pelaez et al in the invention of "Method and System for Processing Adjustments to the Type and Quality of Multimedia Communication Sessions" disclosed a comprehensive signalling node (**IMS 20**,

**Fig 1)**, comprising: a signalling interface adapted for transmitting and receiving signalling communications (**col 4, lines 6-12**); a storage system (**HSS, item 34 of Fig 1**) configured to store a Media Gateway Controller routine (**MGCF, item 26 of Fig 1**), to store a Session Initiation Protocol routine (**SIP**), to store a H.323 routine (**col 4, lines 65-67**), to store a Session Border Controller (**BGCF, item 28 of Fig 1**) routine, to store Push-to-talk routine and to store a Wide Area Network (**wire line network, item 52 of Fig 1, col 4, lines 22-49**) compression routine (**col 5, lines 44-48**) and a processing system (**MRFP/ CSCF/MRFC, items 30/22/32 of Fig 1**) in communication with the signalling interface and the storage system (**col 4, lines 1-21**), with the processing system being configured to receive a signalling communication through the signalling interface, process the signalling communication with the MGC routine if appropriate, process the signalling communication with the SIP routine if appropriate (**col 5, lines 7-17**), process the signalling communication with the SBC routine if appropriate, process the signalling communication with the PTT routine if appropriate, process the signalling communication with the H.323 routine if appropriate, process the signalling communication with the WAN compression routine if appropriate (**col 5, lines 44-67**) and perform the configuration operation (**activation**) of the configuration command, wherein the configuration operation enables or disables the one or more specified signaling routines (**col 8, lines 14-39**), but fails disclose to store a Communication Assistance for Law Enforcement routine (**CALEA**) and process the signalling communication with the CALE

routine if appropriate. However, Bondy et al in the invention of "Communication Network with a Collection Gateway and Method for Providing Surveillance Services" disclosed CALEA feature server (**items 26 of Fig 1**) that stores the program (routines) and process CALEA communication functions pertaining to a multimedia client or a subscriber over signaling interfaces( **col 3, lines 55-67, col 4, lines 8-39, Fig 4**). Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to include CALEA routines and process CALEA routines as taught by Bondy et al. in the signaling node of Pelaez et al to store a Communication Assistance for Law Enforcement routine (**CALE**) and process the signalling communication with the CALE routine if appropriate. One is motivated as such in order to use Communication Assistance for Law Enforcement routine (**CALE**) functionality in the signaling node interface to provide enhanced security and surveillance capability for communication over packet based and non-packet based networks.

Regarding claims 3-4,10-11, Pelaez et al disclosed that the comprehensive signaling node further comprising an operator interface in communication with the processing system, and wherein the processing system is configured to receive the configuration command (**activation, col 8, lines 14-39**) through the operator interface and with the storage system being further configured to store operational data from the MGC routine, the SIP routine, the SBC routine, the PTT routine, the H.323 routine (**col 4, lines 1-21**), the WAN compression routine (**col 5, lines 44-67**), but fails to disclose the CALE routine.

However, Bondy et al disclosed CALEA feature server (**items 26 of Fig 1**) that stores the program (**routines**) and process CALEA communication functions pertaining to a multimedia client or a subscriber over signaling interfaces (**col 3, lines 55-67, col 4, lines 8-39, Fig 4**). Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to include CALEA routines and process CALEA routines as taught by Bondy et al. in the signaling node of Pelaez et al to store a Communication Assistance for Law Enforcement routine (**CALE**) and process the signalling communication with the CALE routine. One is motivated as such in order to use Communication Assistance for Law Enforcement routine (**CALE**) functionality in the signaling node interface to provide configurability of CALE functionality for enhanced security and surveillance capability for communication over packet based and non-packet based networks.

Regarding claims 5-7,12-14, the comprehensive signaling node further comprising provisioning and configuration capability to store operational data from the MGC routine, the SIP routine, the SBC routine, the PTT routine, the H.323 routine, the WAN compression routine, (**col 4, lines 1-21, col 5, lines 8-17**) and with the processing system being further configured to receive a report Command and generate and transmit a report including operational data specified in the report command and to store a billing system and with the processing system being further configured to perform billing operations for the MGC routine, the SIP routine, the SBC routine, the PTT routine, the H.323

routine, the WAN compression routine (**col 5, lines 18-43**), but fails to disclose the CALE routine. However, Bondy et al disclosed CALEA feature server (**items 26 of Fig 1**) that stores the program (**routines**) and process CALEA communication functions pertaining to a multimedia client or a subscriber over signaling interfaces (**col 3, lines 55-67, col 4, lines 8-39, Fig 4**). Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to include CALEA routines and process CALEA routines as taught by Bondy et al. in the signaling node of Pelaez et al to store a Communication Assistance for Law Enforcement routine (**CALE**) and process the signalling communication with the CALE routine. One is motivated as such in order to use Communication Assistance for Law Enforcement routine (**CALE**) functionality in the signaling node interface to provide reporting and billing capability to CALE functionality for enhanced surveillance and billing capability for communication over packet based and non-packet based networks.

Regarding claims 15-16, Pelaez et al disclosed a comprehensive signalling node software product (**IMS 20, Fig 1, col 6, lines 20-30**), comprising: a signalling interface adapted for transmitting and receiving signalling communications (**col 4, lines 6-12**); a storage system (**HSS, item 34 of Fig 1**) configured to store a Media Gateway Controller routine (**MGCF, item 26 of Fig 1**), to store a Session Initiation Protocol routine (**SIP**), to store a H.323 routine (**col 4, lines 65-67**), to store a Session Border Controller (**BGCF, item 28 of Fig 1**) routine, to store Push-to-talk routine and to store a Wide Area Network (**wire**



**line network, item 52 of Fig 1, col 4, lines 22-49)** compression routine (**col 5, lines 44-48**) and a processing system (**MRFP/ CSCF/MRFC, items 30/22/32 of Fig 1**) in communication with the signalling interface and the storage system (**col 4, lines 1-21**), with the processing system being configured to receive a signalling communication through the signalling interface, process the signalling communication with the MGC routine if appropriate, process the signalling communication with the SIP routine if appropriate (**col 5, lines 7-17**), process the signalling communication with the SBC routine if appropriate, process the signalling communication with the PTT routine if appropriate, process the signalling communication with the H.323 routine if appropriate, process the signalling communication with the WAN compression routine if appropriate (**col 5, lines 44-67**) and perform the configuration operation (**activation**) of the configuration command, wherein the configuration operation enables or disables the one or more specified signaling routines (**col 8, lines 14-39**) and a storage system (**items 22,34,36 of Fig 1**) that stores the control software, but fails disclose to store a Communication Assistance for Law Enforcement routine (**CALEA**) and process the signalling communication with the CALE routine if appropriate. However, Bondy et al in the invention of "Communication Network with a Collection Gateway and Method for Providing Surveillance Services" disclosed CALEA feature server (**items 26 of Fig 1**) that stores the program (routines) and process CALEA communication functions pertaining to a multimedia client or a subscriber over signaling interfaces( **col 3, lines 55-67, col**

**4, lines 8-39, Fig 4).** Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to include CALEA routines and process CALEA routines as taught by Bondy et al. in the signaling node of Pelaez et al to store a Communication Assistance for Law Enforcement routine **(CALE)** and process the signalling communication with the CALE routine if appropriate. One is motivated as such in order to use Communication Assistance for Law Enforcement routine **(CALE)** functionality in the signaling node interface to provide enhanced security and surveillance capability for communication over packet based and non-packet based networks.

Regarding claims 17-18, Pelaez et al disclosed control software product comprising an operator interface in communication with the processing system, and wherein the processing system is configured to receive the configuration command **(activation, col 8, lines 14-39)** through the operator interface and with the storage system being further configured to store operational data from the MGC routine, the SIP routine, the SBC routine, the PTT routine, the H.323 routine **(col 4, lines 1-21)**, the WAN compression routine **(col 5, lines 44-67)**, but fails to disclose the CALE routine. However, Bondy et al disclosed CALEA feature server **(items 26 of Fig 1)** that stores the program **(routines)** and process CALEA communication functions pertaining to a multimedia client or a subscriber over signaling interfaces **(col 3, lines 55-67, col 4, lines 8-39, Fig 4).** Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to include CALEA routines and process CALEA

routines as taught by Bondy et al. in the signaling node of Pelaez et al to store a Communication Assistance for Law Enforcement routine (**CALE**) and process the signalling communication with the CALE routine. One is motivated as such in order to use Communication Assistance for Law Enforcement routine (**CALE**) functionality in the signaling node interface to provide configurability of CALE functionality for enhanced security and surveillance capability for communication over packet based and non-packet based networks.

Regarding claims 19-21, control software product further comprising provisioning and configuration capability to store operational data from the MGC routine, the SIP routine, the SBC routine, the PTT routine, the H.323 routine, the WAN compression routine, (**col 4, lines 1-21, col 5, lines 8-17**) and with the processing system being further configured to receive a report Command and generate and transmit a report including operational data specified in the report command and to store a billing system and with the processing system being further configured to perform billing operations for the MGC routine, the SIP routine, the SBC routine, the PTT routine, the H.323 routine, the WAN compression routine (**col 5, lines 18-43**), but fails to disclose the CALE routine. However, Bondy et al disclosed CALEA feature server (**items 26 of Fig 1**) that stores the program (**routines**) and process CALEA communication functions pertaining to a multimedia client or a subscriber over signaling interfaces (**col 3, lines 55-67, col 4, lines 8-39, Fig 4**). Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to include

CALEA routines and process CALEA routines as taught by Bondy et al. in the signaling node of Pelaez et al to store a Communication Assistance for Law Enforcement routine (**CALE**) and process the signalling communication with the CALE routine. One is motivated as such in order to use Communication Assistance for Law Enforcement routine (**CALE**) functionality in the signaling node interface to provide reporting and billing capability to CALE functionality for enhanced surveillance capability for communication over packet based and non-packet based networks.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached @ (571)-272-7884. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Venkatesh Haliyur

Patent Examiner

HH 12/20/07

EDAN .ORGAD  
SUPERVISORY PATENT EXAMINER

